

**RESOLUTION NO. 1299**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON,** relating to an initiative petition (hereinafter "Tree Initiative") filed with the City Clerk regarding Ordinance No. 1611 and authorizing the City Attorney to commence legal action in King County Superior Court to halt the proposed Tree Initiative.

**WHEREAS,** the City of Des Moines is a non charter code city operating pursuant to chapters 35A.02 and 35A.13 RCW, and

**WHEREAS,** the City has adopted the Initiative and Referendum Powers in chapter 1.16 DMMC, and

**WHEREAS,** the power of initiative is limited by statute and case law, and

**WHEREAS,** regulations under the authority of the Growth Management Act are not subject to the initiative; and

**WHEREAS,** the City Attorney seeks authority to halt the Tree Initiative through an action to be filed in King County Superior Court; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:**

**Sec. 1.** On May 26, 2015 the Petition for Tree Initiative regarding the Ordinance No. 1611 was filed with the City Clerk by David Elliott;

**Sec. 2.** On May 27, 2015 the City Clerk submitted the Tree Initiative to the City Attorney for review;

**Sec. 3.** On June 10, 2015 the City Attorney met with Mr. Elliott and provided him with the City Attorney's Certificate of Review and nine exhibits and opined that Ordinance 1611 was not subject to the initiative powers because Ordinance 1611 was enacted under the authority of the Growth Management Act as set out in the City Attorney's Certificate of Review; and

**Sec. 4. Authority of City Attorney** Based on the opinion of the City Attorney as established in the City Attorney's Certificate of Review and further review of applicable case law,

the City Attorney seeks authority to issue a ballot title and summary and then file an action in King County Superior Court to enjoin the placing of the Tree Initiative on a ballot.

**Sec. 5.** By the adoption of this Resolution the City Attorney is hereby authorized and directed to prosecute the action in a manner provided by law to enjoin the Tree Initiative from being placed on a ballot as the Tree Initiative is legally invalid.

**Sec. 6.** Passage of this Resolution, absent amendments, will be taken as approval for the City Attorney to seek relief in the King County Superior Court.

**ADOPTED BY** the City Council of the City of Des Moines, Washington this 25th day of June, 2015 and signed in authentication thereof this 25th day of June, 2015.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk